

ATTACHMENT "G"
STANDARD PROVISIONS for NPDES PERMITS

1. Duty to Comply

The Discharger must comply with all of the conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act (CWA) and the Porter-Cologne Water Quality Control Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The discharge shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this permit has not yet been modified to incorporate the requirements.

2. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Discharger for permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit conditions.

If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the CWA for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, this permit shall be modified, or revoked and reissued to conform to the toxic effluent standard or prohibition, and the Discharger so notified.

3. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a Discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

4. Duty to Mitigate

The Discharger shall take all responsible steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

5. Proper Operation and Maintenance

The Discharger shall at all times properly operate and maintain any facilities and systems of treatment and control (and related appurtenances) which are installed or used by the

Discharger to achieve compliance with the conditions of this permit and with the requirements of storm water pollution prevention plans. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance may require the operation of backup or auxiliary facilities or similar systems, installed by a Discharger when necessary to achieve compliance with the conditions of this permit.

6. Property Rights

This permit does not convey any property rights of sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

7. Duty to Provide Information

The Discharger shall furnish the Regional Water Board, State Water Board, or EPA, within a reasonable time, any requested information to determine compliance with this permit. The Discharger shall also furnish, upon request, copies of records required to be kept by this permit.

8. Inspections and Entry

The Discharger shall allow the Regional Water Board, State Water Board, or EPA, and local storm water management agency, upon the presentation of credentials and other documents as may be required by law to:

- a. Enter upon the Discharger's premises at reasonable times where a regulated construction activity is being conducted or where records must be kept under the conditions of this permit;
- b. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and
- c. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment) that are related to or may impact storm water discharge.
- d. Sample or monitor at reasonable times for the purpose of ensuring permit compliance.

9. Signatory Requirements

- a. All Notices of Intent submitted to the Regional Board shall be signed as follows:

1. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (1) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or (2) the manager of the construction activity if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
 2. For a partnership or sole proprietorship: by a general partner or the proprietary, respectively; or
 3. For a municipality, State, Federal, or other public agency: by either a principal executive officer, ranking elected official, or duly authorized representative. The principal executive office of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
- b. All reports, certifications, or other information required by the permit and requested by the Regional Water Board, State Water Board, EPA, or local storm water management agency shall be signed by a person described above or duly authorized representative. A person is a duly authorized representative if:
1. The authorization is made in writing by a person described above and retained as part of the Storm Water Pollution Prevention Plan.
 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the construction activity, such as the position of manager, operator, superintendent, or position equivalent responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

10. Certification

Any person signing documents under Provision 9 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted, is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false

information, including the possibility of fine and imprisonment for knowing violations."

11. Penalties for Falsification of Reports

Section 309 (c) (4) of the CWA provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this general permit, including reports of compliance or noncompliance shall, upon conviction, be punished by a fine or not more than \$10,000 or by imprisonment for not more than two years or by both.

12. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Discharger from any responsibilities, liabilities, or penalties to which the Discharger is or maybe subject under Section 311 of the CWA.

13. Severability

The provisions of this permit are severable, and, if any provision of this permit, or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

14. Reopener Clause

This general permit may be modified, revoked and reissued, or terminated for cause due to promulgation of amended regulations, receipt of USEPA guidance concerning regulated activities, judicial decision, or in accordance with 40 Code of Federal Regulations 122.62, 122.63, 122.64, and 122.65. If there is evidence indicating potential or actual impacts on water quality due to any storm water discharge, associated with construction activity covered by this permit, the owner or operator of such discharge may be required to obtain an individual permit or an alternative general permit, or this permit may be modified to include different limitations and/or requirements.

15. Penalties for Violations of Permit Conditions

- a. Section 309 of the CWA provides significant penalties for any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA, or any permit condition or limitation implementing any such section in a permit issued under Section 402. Any person who violates any permit condition of this permit is subject to civil penalty not to exceed \$25,000 per day of violation, as well as other appropriate sanction provided by Section 309 of the CWA.

- b. The Porter-Cologne Water Quality Control Act also provides for civil and criminal penalties which in some cases are greater than those under the CWA.

16. Availability

A copy of this permit shall be maintained at the construction site during construction and be available to operating personnel.

17. Transfers

This permit is ~~not~~ transferable. A new owner/developer of an ongoing construction activity must submit a Notice of Intent (NOI) in accordance with the requirements of this permit to be authorized to discharge under this permit. An owner/developer who terminates all interest in the property (by sale of this property, or termination of contracts) shall inform the new/developer of the duty to file a NOI and shall provide the new owner/developer with a copy of this permit.

18. Continuation of Expired Permit

This permit continues in force and effect until a new general permit is issued or the Regional Board rescinds this permit. Only those Dischargers authorized to discharge under the expiring permit are covered by the continued permit.